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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/20/2022 _____

October 6, 2022

Hon. Sarah Netburn, U.S.M.J.
United States District Court
Thurgood Marshall Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *Arthur Balder v. Susan Sarandon, et al*, Case No.: 1:22-cv-06401-VEC-SN

Hon. Judge Netburn:

This letter is submitted pursuant to I.A. and I.G. of your Honor's Individual Practices, to respectfully express concerns as regards to the tactics the Defendant Susan Sarandon is successfully employing to delay due course and to help the other Defendants when the facts show they have been mocking the attempts of service of the First Amended Complaint, and to respectfully propose and reason about the scheduling discussed at the conference held on October 4, 2022.

The Order filed by your Honor on 15 September 2022 encouraged to all parties facilitating service. Defendant Sarandon and her attorney never answer back providing a real address to serve the papers, neither did they accept waiver of service.

To accept the waiver of service of Defendant Sarandon right one day before the conference of October 4 brings an unjust result to the Plaintiff. Attorney Sarah Matz has been pretending she could not find her client for almost two months — she stated she would discuss waiver of service at the beginning of August... —, only to propose waiver of service when it has been discovered that the only address known of Defendant Sarandon was sold in 2020.

Also, we find it wrong that attorney Sarah Matz, not being the attorney of the other Defendants, has spoken at that conference of October 4 2022 on the other Defendants' behalf and at that to grant them the lenience of the Court, when the Court has had proof of their mocking servicing as described before in our Ex Parte Motions for E-Service and as referenced below.

Your Honor's lenience is graceful, but the result is unjust to the Plaintiff.

It is our impression that Defendant Sarandon is seeking privileges in this Court and also abusing of the Court's gracefulness and lenience, only to harm the Plaintiff by further weaponising time against his rightful interests in these proceedings, for her advantage and that of her co-perpetrators. The privilege she seeks here consists on successfully delaying unduly the proceedings of the civil action, by in fact mocking everybody, Courts and Plaintiff, with an address that was sold by her in 2020, while not providing any other address only to oblige the Plaintiff and the Court to accept a waiver of service that only will bring more time delay — 60 days more, instead of providing a real address where she can be served properly, and then she will have 21 days to answer. Even more, and what is more concerning, without proper representation of the other Defendants

Proposal regarding Scheduling:

However, it is our opinion that the waiver of summons for all Defendants, if finally represented by Sarah Matz, should be dating back to the date when your Honor encouraged to all parties facilitating service, **pursuant to the Court's September 15, 2022, Order encouraging Defendants to cooperate to assist Plaintiff with service,** and be counting from that date and not accepting these persistent tactics that obviously have been employed to unduly delay the process and to mock the Plaintiff's claims and the Court's proceedings.

We deeply appreciate your Honor's time, patience and consideration in this matter.

Respectfully Submitted,

/s/ Arthur Balder

Cc. Sarah M. Matz (via ECF)

Plaintiff's request for Defendants to file and serve a response within 60 days of September 15, 2022, is DENIED. Defendants must file and serve a response under Rule 12 within 60 days from October 4, 2022. No further applications shall be filed regarding service.

SO ORDERED.


SARAH NETBURN
United States Magistrate Judge

Dated: October 20, 2022
New York, New York